IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22201 of 2004

Between:

Bodapati Pullayya Das S/o.Venkata Krishna Ram Das
Marketing Committee, Palakol.

..... PETITIONER

AND

1 The Govt. of A.P. rep by its Secretary Agricultural Marketing Secretariat A.P.
2 The Director of Marketing B.R.K.R Bhavan Hyderazbad, A.P.
3 The Joint Director Agricultural Marketing Dept
Gollapudi, Vijayawada.
4 The Asst.Director of Marketing, Market Yard, Eluru.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders or writ more particularly one in the nature of writ of Mandamus declaring the action of the respondent in not extending the term of the Committee for further period of Six months by exercising the powers conferred in Sub Section (2)of the Section 6 of the Andhra Pradesh (Agricultural Produce and Livestocks) Market Act 1966 (Act 16 of 1966)as illegal, arbitrary and consequentially direct the respondent 1 7 2 to extend the term of the Committee for further period of six months and pass.

Counsel for the Petitioner:MR.M.L.ALI

Counsel for the Respondent No.: GP FOR AGRICULTURE

The Court made the following :

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.NO.22201 OF 2004

ORDER:

The petitioner was appointed as Chairman of the Agricultural Market Committee, Palakol, by the 1st respondent, through orders in G.O.Ms.No.317, dated 13-12-2001, for a period of three years, in exercise of powers under Sections 5 and 6 of the A.P. (Agricultural Produce and Livestocks) Market Act, 1966. The term is going to come to an end by 12-12-2004. The petitioner claims to have made a representation dated 22-11-2004, to the respondents, for extension of the term. Complaining that no action has been taken thereon, he seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner and learned Government Pleader for Agriculture.

The term of the petitioner as Chairman of the Market Committee is going to expire on 12-12-2004. It is true that the 1st respondent is conferred with the power to extend the term of the incumbents, whose term expires. The petitioner has also placed before this Court, copies of order, through which the terms of the existing incumbents have been extended. However, it is for the 1st respondent to take a decision, whether or not, to extend the term of the existing members, or Chairman of the Market Committee, or to appoint a new set of persons. This Court cannot issue any direction in this regard. The representation of the petitioner can certainly be taken into account, while making necessary arrangements, as and when the term of the petitioner comes to an end.

Hence, the writ petition is disposed of, directing the 1st respondent to consider the representation of the petitioner for extension of the term, whenever further action is taken, consequent on the expiry of the term of the petitioner. There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.02-12-204

KO

To

1 The Govt. of A.P. rep by its Secretary Agricultural Marketing Secretariat A.P.
2 The Director of Marketing B.R.K.R Bhavan Hyderazbad, A.P.
3 The Joint Director Agricultural Marketing Dept
Gollapudi, Vijayawada.
4 The Asst.Director of Marketing Market Yard, Eluru.

5. 2 CCs to G.P. for Agriculture, High Court Buildings, High Court of A.P., Hyderabad.(OUT)

6. 2 C.D. copies.